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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/295,686	08/24/94	NISHIDA	H 52433354
EDWARD W. GREASON KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			SLIBY, P EXAMINER
15N1/0324			ART UNIT 1509 PAPER NUMBER 6
DATE MAILED: 03/24/95			

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), X days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.                  |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____  |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-9 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-9 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☒ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

**EXAMINER'S ACTION**

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The preliminary amendments of August 24, 1994 and of November 9, 1994 have been received and entered.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-4, drawn to a process for producing an easy-open can lid, and claims 5-8, drawn to an easy-open can lid, and claim 9, drawn to a resin laminated metal sheet for an easy-open can lid, are rejected under 35 U.S.C. § 103 as being unpatentable over Oyagi et al. (5,348,809), Leyre et al. (5,234,123) or Iioka et al. (5,131,556) taken with Matsubayashi et al. (4,887,732).

In reference to the resin laminated metal sheet, applicants are referred to each of the former references which clearly teaches a laminated sheet comprised of a metal or surface treated metal that is laminated with a polyester resin film. The thickness parameters are clearly disclosed (note Oyagi, column 2 to column 3, Iioka, column 7, for example and Leyre, column 1, for example). The use of a crystalline polyester appears to be a matter of judicious choice as biaxially drawn polyester film can be utilized or linear thermoplastic polyester as taught in Oyagi et al. (see column 6). These references are also directed to a metal laminated sheet that is used for a can lid. Therefore the instant references anticipate the use of the laminated metal sheet for an easy-open can lid. The latter reference is directed to a process for making the lid whereby a coated metal blank that has polyester coated onto metal, for example in which the lid has an opening score to define a portion to be opened (note column 3 at line 44 et seq.). Moreover, Oyagi et al. also teaches that the can lid opening having a tear-along groove is extruded and processed to form the tear-along groove by composite co-forming. Accordingly, it would be obvious to modify the grooving technique and thickness limitations because the instant references teach as notorious the ability to process according to the desired results and the desirability of providing the opening to suit the need.

A facsimile center has been established in Crystal Mall 1, Room 7C03. The hours of operation are Monday through Friday,

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8:45 A.M. to 4:45 P.M. The telecopier number for accessing the facsimile machine is (703) 308-0039. This new location should be used in all instances when faxing any correspondence to Group 1500. Use of the new Crystal Mall 1 center will facilitate rapid delivery of materials to the Group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sluby whose telephone number is (703) 308-2351. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.



PCSluby:cdc

3-16-95

P. C. SLUBY  
PRIMARY EXAMINER  
GROUP 1500